Point of order regarding Notice of motion to omit a grant.

President.—The consideration of the supplementary grant of Rs. 10,000 has to be taken up. But before we begin that I have to say that I have carefully considered the Point of Order raised yesterday on Mr. T. K. Nayar's motion. I give the following ruling:—

I have considered the points raised by Mr. T. K. Nayar's motion carefully. We are now concerned with the decision of two issues. I have carefully read the provisions of the Legislative Council Regulation, the Legislative Council Rules and the Standing Orders and my ruling on the two issues is as follows:

(1) The first issue is whether after a question is put to the House by the President regarding a grant, any member can oppose the demand for the whole grant by means of a motion brought at that stage.

Neither the rules nor the Standing Orders provide for any discussion at that stage by means of a motion. It is open to the Hon'ble Member to assent or refuse assent to the demand in the exercise of his right to vote.

(2) The second issue is whether an opposition motion to reject the grant altogether *after all* the cut motions have been discussed and disposed of by the Council, can be brought before the question is put, without giving the notice required by the Standing Orders.

It has to be borne in mind that under section 16 (2) of the Legislative Council Regulation the Council has to deal with the annual budget subject to the restrictions imposed by the Rules. A motion to omit a grant can only be brought under Rule 50 (2) always upon proper notice given, which is prescribed in peremptory terms by Standing Order 56. The object of insisting on notice is to give the member of Government sufficient time to acquaint himself with the necessary details to enable him to reply. This object will obviously be nullified, if motions are admitted at any time in disregard of the explicit requirements of the Standing Orders.

The discretion vested in the President to allow a motion in spite of the time limit is to be exercised according to the special circumstances and exigencies of each case. There might be cases where it would not have been possible for an Hon'ble member in the usual course to comply with the requirements as to notice. Each requisition for the waiving of the time limit rule has therefore to be disposed of on its own merits. In this matter I hold that there is no sufficient justification for

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relaxing the provisions of the Standing Orders as to the notice required to be given.

I therefore put the question for the grant of the demand for the vote of the House.

Supplementary Grant.

1. 19—(2) Collegiate Education—Rs. 10,000. (*cont.*)

Demand put and carried.

Mr. T. K. Nayar.—A poll, Sir.

The House divided—Ayes 18 and Noes 12.

	Ayes.		*Noes.*
1	Mr. V K Aravindaksha Menon	1	Mr. A Eachara Menon
2	,, M P Cherian	2	,, C N Ittiravi Nambudiri
3	,, Joseph Pettah	3	,, P Kumaran Ezhuthassan
4	,, U Kandar Menon	4	,, T K Nayar
5	,, P S Kesavan Nambudiri	5	,, M Krishna Menon
6	,, C J Mathew	6	,, P Krishna Menon
7	,, A I Mani	7	,, Popatlal Goverdhan Lalan
8	,, K Narasimha Pai	8	,, T A Ramachandra Ayyar
9	,, T Narayana Menon	9	,, P Raman Menon
10	,, P Nilakanta Menon	10	,, A Sankara Menon
11	,, Paul Mampilli	11	Dr. K. Sankara Menon
12	Dr. D Raghavendra Rao	12	Mr. K P Vallon
13	Rama Varmha Tampuran		
14	Mr. P V Raphael		
15	,, P V Subramania Ayyar		
16	Mrs. Swaris		
17	Mr. Thomas Manjuran		
18	,, P C Varkey		

General Discussion on the Budget.

Mr. A. Eachara Menon.—Mr. President, Sir, allow me to congratulate the Government for presenting a surplus budget. From a perusal of the same one is driven to think that the Government is afraid that they will be dismissed as inefficient if they did not cook up a surplus budget as the one before us. The Government have been showing every year a larger amount on the revenue receipt side under Capital. This year they have budgetted without any imagination a receipt of a lakh of rupees under this head. Sir, when it is possible to get lands already under cultivation for the upset price the Government have fixed for the lands they have for disposal, I wonder how they can expect purchasers for their lands which require a large amount to bring them under cultivation and which will also be burdened with the inequitable, illegal and prohibitive tax of Rs. 2—8—0 per acre— the legacy of the erstwhile head of the Revenue Department to the poor hard-working small ryots. They have noted a fall under 'Stamps' owing to depression. If the depression continues this fall also will continue and the Finance Member has said

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